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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/724,870  
Confirmation No. : 1625  
Applicant : Randall S. HICKLE  
Filed : December 2, 2003  
TC/A.U. : 3743  
Examiner : Not Yet Assigned  
Title : RESPIRATORY MONITORING SYSTEMS AND METHODS

Docket No. : 82021-0033  
Customer No. : 24633

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application. One copy of A19 through A27 are submitted herewith.

The USPTO has waived the requirements under 37 CFR 1.98(a)(2)(I) to submit copies of U.S. Patent and U.S. Patent applications, publications when citing and submitting an Information Disclosure Statement in a patent application filed after June 30, 2003, and International Application that have entered the National Stage under 37 U.S.C. 371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to PRE-OG Notice from the Office of Patent Legal Administration dated July 25, 2003, stating an Information Disclosure Statement may be filed

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without copies of U.S. patent and published applications for patent applications filed after June 30, 2003.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

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Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

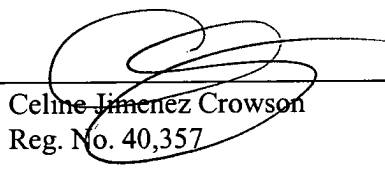
Respectfully submitted,

**HOGAN & HARTSON LLP**

Dated: August 4, 2004

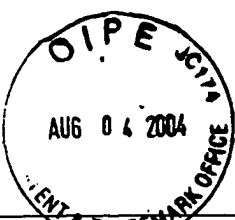
**HOGAN & HARTSON LLP**  
555 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
(202) 637-5600  
**Customer No. 24633**

By: \_\_\_\_\_

  
Celine Jimenez Crowson  
Reg. No. 40,357

Ajit J. Vaidya  
Reg. No. 43,214

Thomas W. Edman  
Reg. No. 51,543



FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)	ATTY. DOCKET NO 82021-0033	APPLICATION NO. 10/724,870
	APPLICANT Randall S. HICKLE	
	FILING DATE December 2, 2003	GROUP 3743

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	3,657,926	04/25/1972	Munson et al			
	A2	4,596,251	06/24/1986	Plicchi et al			
	A3	4,702,253	10/27/1987	Nappholz et al			
	A4	4,721,110	01/26/1988	Lampadius			
	A5	4,813,428	03/21/1989	Muraki et al			
	A6	5,003,976	04/02/1991	Alt			
	A7	5,022,402	06/11/1991	Schieberl et al			
	A8	5,063,938	11/12/1991	Beck et al			
	A9	5,099,837	03/31/1992	Russell et al			
	A10	5,540,731	07/30/1996	Testerman			
	A11	5,549,117	08/27/1996	Tacklind et al			
	A12	5,669,379	09/23/1997	Somerson et al			
	A13	5,671,734	09/30/1997	Pugh			
	A14	5,738,102	04/14/1998	Lemelson			
	A15	5,920,263	07/06/1999	Huttenhoff et al			
	A16	5,931,858	08/03/1999	Kadhiresan			
	A17	5,957,861	09/28/1999	Combs et al			
	A18	6,216,690 B1	04/17/1001	Keitel et al			

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# **FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION**

		DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	ABSTRACT	
							Yes	No
	A19	WO 99/59460	11/25/1999	WIPO				
	A20	WO 98/38909	09/11/1998	WIPO				
	A21	WO 96/03071	02/08/1996	WIPO				
	A22	0 484 174 A1	05/06/1992	Europe				
	A23	0 634 185 A2	01/18/1995	Europe				
	A24	EP 0 911 052 A2	04/28/1999	Europe				
	A25	WO 91/03979	04/04/1991	WIPO				
	A26	WO 94/24935	11/10/1994	WIPO				
	A27	WO 95/19556	07/20/1995	WIPO				

## **OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


**EXAMINER**

**DATE CONSIDERED**

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.